

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**v.**

**No. 16-cr-30009-DRH-1**

**MICHAEL A. GORDON,**

**Defendant.**

**MEMORANDUM & ORDER**

**HERNDON, District Judge:**

This matter was referred to United States Magistrate Judge Donald G. Wilkerson for the specific purpose of conducting a change of plea for Defendant Gordon, pursuant to 28 U.S.C. § 636, LOCAL RULE 72.1(b)(2), and Defendant Gordon's consent (Doc. 53). Pursuant to FEDERAL RULE OF CRIMINAL PROCEDURE 11, the change of plea hearing was held on February 27, 2017 (Doc. 52). During the change of plea, Defendant Gordon pled guilty to Count 1 of the Indictment (Use of Unauthorized Access Devices in violation of 18 U.S.C. § 1029(a)(2)), Count 2 of the Indictment (Use of Counterfeit Access Devices in violation of 18 U.S.C. § 1029(a)(1)), and Count 4 of the Indictment (Aggravated Identity Theft in violation of 18 U.S.C. § 1028A(a)(1)), following a thorough colloquy with Judge Wilkerson. Thereafter, Judge Wilkerson issued a Report and Recommendation ("the Report") recommending that the Court accept defendant's plea of guilty (Doc. 57).

In accordance with 28 U.S.C. § 636(b)(1)(B), the parties were allowed fourteen days to file written objections. As of this date, neither party has filed an

objection. Therefore, the Court **ADOPTS** the Report in its entirety. Thus, based on the record in the case, the recommendation of the Magistrate Judge, the consent of the defendant to plead before the magistrate without subsequent objection, it is the finding of the Court in the case of *United States v. Gordon*, that Defendant Gordon was fully competent and capable of entering an informed plea, that Defendant Gordon was aware of the nature of the charges and the consequences of the plea, and that the plea of guilty was a knowing and voluntary plea supported by an independent basis in fact containing each of the essential elements of the offense. Accordingly, the Court **ACCEPTS** the guilty plea and **ADJUDGES** Defendant Gordon **GUILTY** on Counts 1, 2 and 4 of the indictment. The Court also **REMINDS** the parties that this matter is set for sentencing on June 23, 2017 at 10:00 AM.

**IT IS SO ORDERED.**

Signed this 22nd day of March, 2017.

 Digitally signed by  
Judge David R. Herndon  
Date: 2017.03.22  
14:25:47 -05'00'



**United States District Judge**